APPENDIX A.

Form of Order convening a Court-Martial.

General orders by
Chief Commandant_____

In accordance with instructions received from Government————a Court-Martial composed as under will assemble in the Regimental Durbar-Room of the————for the purpose of trying No.————and such other prisoners as may be brought before it.

PRESIDENT.

_____

MEMBERS.

_____
_____
_____
_____

The prisoner will be warned and all witnesses duly required to attend.

(Sd.) _____

Chief Commandant.

N. B.—The names, rank and corps of the President and members to be entered in full.

APPENDIX B.

Form of Charge Sheet.

The prisoner No._____

is charged with:—

1st charge _____*_____

in that

_____†_____

2nd charge_____*_____

in that

_____†_____

(Signed)_____

Chief Commandant.

* Here state heading of charge as shown in italics in paragraph 2.
† Here state the particulars thus:—

First charge—insubordination
in that

At Agra, on the 20th June 1890, when ordered by his superior officer, Haur Sham Singh, to lay out his kit for inspection, he said: "I have already had my kit inspected once to-day, and I won't lay it out again" or words to that effect.

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APPENDIX C.

FORM OF PROCEEDINGS OF A COURT-MARTIAL.

(To be written on one side of the paper only.)

Proceedings of a Court-Martial held at _____ on the _____ day of _____ 189—, convened by order of _____

PRESIDENT.*

MEMBERS.*

At _____ o'clock $\frac{\text{A. M.}}{\text{P. M.}}$ the Court opens for the trial of No. _____ Imperial Service _____ *

Munshi (or Babu) _____

is present to write the proceedings of the Court.

The order convening the Court is read and attached to the proceedings. (Appendix A.)

The prisoner named above is brought before the Court¶

The names of the President and members are read over in the hearing of the prisoner, and they each answer to their names as they are read out.

Question 1.—By the President to the prisoner :—

Do you object to be tried by me as President, or by any of the officers whose names you have heard read over?

Answer 1.—The prisoner replies :—†

The President and members make solemn affirmation.‡

The Munshi makes solemn affirmation.§

The charge sheet is read, carefully explained to the prisoner, and attached to the proceedings. (Appendix B.)

* The rank, name and corps of the President and of each of the members and also of the prisoner should be entered in full.

¶ The prisoner and his escort only are brought before the Court and not any of the witnesses. The witnesses should remain outside, out of hearing of what takes place in Court, and be called in one by one as required. See para 56.

† Should the prisoner object to the President or to any member or members, the rules laid down in para 49 should be observed.

‡ See para 50.

§ See para 51.

Question 2—By the President, to the prisoner :—
Are you guilty, or not guilty, of the (first) charge ?
Answer 2.—The prisoner replies :—

Question.—Are you guilty, or not guilty, of the second charge ?
Answer.—The prisoner replies :—

NOTE.– Every question and answer should be numbered consecutively. The prisoner should be asked to plead guilty, or not guilty, to each one of the charges for which he is being tried.

(*Rank*) _____
appears as prosecutor, and proceeds to call witnesses.*
First witness for the prosecution:
No. _____ _____ *

having made a solemn affirmation states†:—

The prisoner declines to cross-examine this witness
or
Cross-examined by the prisoner, the witness states¶ :—

Cross-examined by the Court the witness states§ :—

The witness withdraws.

* See para 48. The rank, name and corps of the prosecutor and of each witness should be entered in full.

† The evidence given should be taken down as nearly as possible in the witness's own words. See para 54.

¶ When the witness has completed his statement, it should be read over to him in order that it may be corrected, if necessary. The prisoner will then be allowed to cross-examine the witness, should he wish to do so. (See para. 55.) Should he not wish to do so, it must be recorded that he declined to cross-examine.

§ Any number of questions bearing on the original evidence given by the witness may be put by the prisoner and the Court. All the replies must be recorded in full.

Second witness for the prosecution:

No. _____

_____

having made solemn affirmation states* :—

The witness withdraws.

The prosecution is closed.†

DEFENCE.

The prisoner, being called to state what he has to urge in his defence, or in mitigation of punishment, states :—

First witness for the defence :

No. _____

_____

having made solemn affirmation states‡ :—

Cross-examined by the prosecutor, the witness states :—

The witness withdraws.

_____

* The evidence of each witness will be recorded on a separate sheet of paper in the same manner as prescribed for the first witness. Additional sheets to be added, as may be necessary.

† When all witnesses for the prosecution have been examined, the prosecution will be closed and the prisoner will be called upon to state what he wishes to say in his defence. This statement should be recorded word for word.

‡See para 42. If the prisoner has any witnesses to call to speak in his defence or as to his character, their evidence will be recorded in exactly the same manner as in the case of witnesses for the prosecutor. will be allowed to cross-examine all the witnesses called by the prisoner.

The Court is closed to consider its finding.*

FINDING.†

The Court find that the prisoner No. _____

is *guilty* (or *not guilty*, as the case may be,) of the first charge is *guilty* (or *not guilty*) of the second charge.

PROCEEDINGS BEFORE SENTENCE.‡

The Court is re-opened and the prisoner is again brought before it.

The prosecutor § _____

is solemnly affirmed, and replies to the following questions put to him by the President :—

Question.—What character does the prisoner bear, and what is his service ?

Answer.—I produce a true copy of his sheet-roll, which shows that his character is _____, and that he has _____ years _____ months' service. *The copy is compared with the original sheet-roll and is then attached to the proceedings.*

Question.—Is the prisoner before the Court the person referred to in this sheet-roll ?

Answer.—Yes.

Question.—How long has the prisoner been under arrest (or in confinement) on account of the charges for which he is now being tried ?

Answer. _____ days.

The prisoner declines cross-examining this witness. ‖

The witness withdraws. The Court is closed to consider the sentence. ¶

*All but the Members of the Court and the Munshi will now leave the room, and be sent beyond earshot of what is said inside.

†See paras 58 and 60. A separate finding of guilty, or not guilty, must be recorded for each one of the charges, should there be more than one.

‡See paragraph 61.

§ The rank, name and corps of the prosecutor to be entered in full.

‖ The prisoner may cross-examine this witness, should he wish to do so.

¶ The prisoner will be marched back to the lines and the witnesses allowed to disperse.

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SENTENCE. *

The Court sentence the prisoner No. _____

to be _____

Signed at _____ on the _____ day of _____ 189 ____.

_____ *President.*

_____
_____
_____
_____ } *Members.*

.....Munshi (or Babu), by whom the proceedings were recorded.

CONFIRMATION. †

(*a*) Confirmed.

(*b*) Confirmed : but I remit _____

(*c*) Not confirmed.

Signed at _____ on the _____ day of _____ 189—.

REVISION.

At _____ on the _____ day of _____ 189 ____ at ____ M. the Court, composed of the same members, all being present, re-assembles by order of _____ for the purpose of re-considering its _____ ‡

The Munshi is present.

The Order directing the re-assembly of the Court, and the letter [*or* memorandum] giving the reasons of Government for requiring a revision of the _____ ‡ are read and attached to the proceedings.

The Court, having attentively considered the observations of the Convening Officer, does now _____

Signed this _____ day of _____ 189 ____

_____ *President.*

_____
_____
_____
_____ } *Members.*

* See para 67 *et seq.*

† See paras 63-66.

‡ Here enter "*Finding*," or "Sentence" or both "Finding and Sentence" as the case may be.